



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Kruthers, Heather H. (for Public Guardian, Conservator)

Probate Status Hearing Re: Filing Final Accounting

		NEEDS/PROBLEMS/COMMENTS: <p style="text-align: center;">OFF CALENDAR <i>Fourth And Final Account filed 1/8/2015 is set for hearing on 2/11/2015.</i></p>
Cont. from		
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Citation		
FTB Notice		
		Reviewed by: LEG
		Reviewed on: 1/21/15
		Updates:
		Recommendation:
		File 1 - Klein

Atty Guerrero, Danielle R., of Law Offices of Philip M. Flanigan (for Petitioners Paula Wiens and Averil Mueller)

(1) Report of Administrators on Waiver of Account; Petition for Settlement Thereof;
 (2) Petition for Allowance of Statutory Compensation to Administrators and Attorney for Ordinary Services; (3) Petition for Reimbursement of Costs Advanced; and (4) Petition for Final Distribution to Domiciliary Representative

DOD: 12/25/2011		PAULA WIENS and AVERIL MUELLER,		NEEDS/PROBLEMS/COMMENTS:	
		sisters and Co-Administrators, are		1. <i>Petition</i> states this in an ancillary	
		Petitioners.		administration of the estate, with the	
		Accounting is waived.		domiciliary administration being in	
Cont. from				Arapahoe County, Colorado, and	
	Aff.Sub.Wit.	I & A	—	requests distribution to the	
✓	Verified	POH	—	appointed personal representative	
				of the Colorado estate. Need proof	
✓	Inventory			of <i>Letters of Administration</i> issued to	
✓	PTC	Administrators	—	Petitioner Paula Wiens in the	
		(statutory; to be split at ½ to each CO-	[\$6,610.00]	Colorado proceeding to	
✓	Not.Cred.	Administrator)		demonstrate her entitlement to the	
✓	Notice of Hrg	Attorney	—	requested distribution prior to this	
		(statutory)	[\$6,610.00]	Court authorizing distribution to her,	
✓	Aff.Mail	Costs	—	pursuant to Probate Code §§ 12540	
		(filing fees, probate referee,	\$1,435.00	and 11603.	
	Aff.Pub.	publication, certified copies)		2. Probate Code § 9250 and CA Rule	
	Sp.Ntc.			of Court 7.401 require each	
	Pers.Serv.			creditor's claim received by the	
	Conf. Screen			court to be allowed or rejected and	
	Letters	Distribution pursuant to intestate		a copy of the allowance or rejection	
	102213	succession is to:		to be filed with the court. Court may	
	Duties/Sup p	<ul style="list-style-type: none"> PAULA WIENS as Personal Representative of the ESTATE OF PETER L. STREIFF in Arapahoe County, Colorado, Case No. 13PR35 – [<i>unspecified amount of cash.</i>] 		excuse the filing of an <i>Allowance of Creditor's Claim</i> form for the claim	
	Objections			filed 11/20/2013 by ST. AGNES MEDICAL CENTER in the amount of	
	Video Receipt			\$2,323.95 pursuant to Probate Code	
	CI Report			§§ 9250(e) and 9154. However,	
✓	9202			Court may require a satisfaction and	
	Order	X		release of this creditor's claim or	
	Aff. Posting			some other form of receipt to be	
	Status Rpt			filed with the Court to confirm	
	UCCJEA			payment of the claim.	
	Citation			~Please see additional page~	
✓	FTB Notice			Reviewed by: LEG	
				Reviewed on: 1/21/15	
				Updates:	
				Recommendation:	
				File 4 - Streiff	

NEEDS/PROBLEMS/COMMENTS, continued:

3. Paragraph 17 of the *Petition* states the Petitioners sold the estate real property following notice of proposed action and consent to the sale, and that the proceeds were deposited into the estate checking account after paying the balance of the first, second and third mortgages on the property and the related escrow closing costs. However, the *Petition* does not but should specify the sales price of the real property and the amount of net sale proceeds received by the estate, specifying any gains or losses on sale of assets, as required for reports on waiver of account pursuant to CA Rule of Court 7.550(b), rather than requiring the Court to assume the sales price was **\$187,000.00** by inference from *Schedule B* containing the statutory compensation calculation.
4. *Schedule B* containing the statutory compensation calculation appears to contain a correct statutory fee amount of **\$6,610.00**, based upon a gain on sale of **\$17,000.00** (gain is not specified in the *Petition*.) However, Paragraph 23 of the *Petition* states statutory compensation due to Petitioners is **\$6,100.00** total, or **\$3,050.00** to **PAULA WIENS** and **\$3,050.00** to **AVERIL MUELLER**, and Paragraph 24 of the *Petition* requests **\$6,100.00** be paid to Petitioners' attorney. Need clarification regarding the request for statutory compensation.
5. Paragraph 6 of the prayer requests distribution of the estate assets to **PAULA WIENS** as Personal Representative of the **ESTATE OF PETER L. STREIFF** in Arapahoe County, Colorado, Case No. 13PR35, without specifying the exact amount of cash to be distributed, which must take into account the clarification needed regarding amount of statutory compensation affecting the total amount to be distributed.
6. Need proposed order pursuant to Local Rule 7.6.1, containing a statement as to the balance of cash on hand in the estate and the total amount to be distributed.

Proabte Status Hearing: Inventory and Appraisal

		<p>LORRAINE RENEE ALVAREZ was appointed guardian on 9/8/14 with bond set at \$7,629.00.</p> <p>Bond was filed on 9/26/14 and Letters issued.</p> <p>Minute order dated 9/8/14 set this status hearing for the filing of the inventory and appraisal.</p> <p>Status Report of Jared Marshall filed on 1/7/15 states a Petition for Instructions is currently pending before the court, which, if granted, will permit Ms. Alvarez to take possession of substantial additional assets on behalf of the guardianship estate. The petition for instructions was just 6 days prior to this status hearing and the court has not yet issued its order. As a result Ms. Alvarez respectfully requests the court continue this status hearing for 30 days.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order 1-12-15: The Court orders that the Inventory and Appraisal be filed before 1-27-15.</p> <p>1. Need inventory and appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 011215			
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FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 1-21-15 (skc)</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6B - Alvarez</p>	

9 Vick Family Trust of 1997 (TRUST)

Case No. 14CEPR00967

Atty Pacella, Louis (for Shaun Kelly – Beneficiary – Petitioner)

Atty Burnside, Leigh (for Gaylene Pilcher – Successor Trustee – Respondent)

Verified Petition for Order Concerning the Internal Affairs of Trust and Action for Breach of Trust [§§17200(b)(1)-(7), (8), (12), 17206; 16420(a)(1), (3), and (9)]

		See petition and response for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need order. 2. Petitioner states at Page 7 of the petition that he reserves the right to amend this petition to bring causes of action regarding capacity, undue influence, etc., in the creation of the 2012 Coeta Vick Grantor Trust. Please note that any future petition regarding the Coeta Trust would need to be brought as a <u>separate</u> action under appropriate authority and not as an amendment to this petition. Also, causes of actions such as undue influence and capacity issues may be required to be heard in the Civil Court, as opposed to this Probate Court, since those causes of action are not brought under the Probate Code.	
Cont from 120914				
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			Reviewed by: skc	
			Reviewed on: 1-21-15	
			Updates:	
			Recommendation:	
			File 9 - Vick	

Petition for Probate of Lost Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 11/12/11		JOSEPH TONY RIZOS , son/named executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:	
		Full IAEA – OK	CONTINUED FROM 01/06/15 Minute Order from 01/06/15 states: Mr. Hamilton represents that he has submitted a declaration that has not yet been entered into the file. The Court may sign the order ex parte if said declaration cures the defects, in which case no appearance would be necessary on 01/27/15.	
Cont. from 010615		<p>Will dated 05/20/92 – <i>Petitioner states that the original will has been lost. The decedent believed that the attached copy of the will was the original, referred to it as her will and always kept the document in her safe. Moreover, it was the only document regarding her testamentary intent that she had in her possession during her lifetime and at the time of her death. After the decedent's death, Petitioner retrieved the attached document from the decedent's safe. Petitioner tried to locate the attorney who drafted the will to see if they had the original, however he was unsuccessful in that regard. Petitioner requests that the will be admitted to probate.</i></p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated Value of the Estate: Unknown</p> <p>Probate referee: STEVEN DIEBERT</p>	<p>Note: status hearings will be set as follows:</p> <ul style="list-style-type: none"> • Tuesday, 06/23/2015 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal and • Tuesday, 03/22/2016 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>	
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Reviewed by: JF

Reviewed on: 01/21/15

Updates:

Recommendation:

File 10 - Montero

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 9-22-14		SHIRLEY J. SHAEFFER , Sister and named Executor without bond, is Petitioner. Full IAEA – ok Will dated 11-22-11 Residence: Fresno Publication: Business Journal Estimated value of estate Personal property: \$28,000.00 Real property: \$125,000.00 Total: \$153,000.00 Probate Referee: Steven Diebert	NEEDS/PROBLEMS/COMMENTS: 1. Need original will. Probate Code §8200. <u>Note:</u> If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Tuesday, May 25, 2015 for the filing of the Inventory and Appraisal Tuesday, May 23, 2016 for the filing of the first account or petition for final distribution If the proper items are on file pursuant to local rules, the status hearings may be taken off calendar.	
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			Reviewed by: skc Reviewed on: 1-21-15 Updates: Recommendation: File 12 - Breeden	

Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 6-2-14		DYLEN CAMPBELL , Son and named Executor without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – ok	2. Need original will. Probate Code §8200.
		Will dated 6-20-12	
✓	Aff.Sub.Wit.		Note: If granted, the Court will set status hearings as follows:
✓	Verified		
	Inventory		<ul style="list-style-type: none"> Tuesday, May 25, 2015 for the filing of the Inventory and Appraisal Tuesday, May 23, 2016 for the filing of the first account or petition for final distribution
	PTC		
	Not.Cred.		<p>If the proper items are on file pursuant to local rules, the status hearings may be taken off calendar.</p>
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	UCCJEA		
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			Reviewed by: skc
			Reviewed on: 1-21-15
			Updates:
			Recommendation:
			File 13 - Campbell

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Petition for Transfer

COURT INVESTIGATOR JENNIFER YOUNG
is Petitioner.

Petitioner requests change of venue for this proceeding to the Superior Court of California, County of Kern.

NEEDS/PROBLEMS/COMMENTS:

Reviewed by: skc

Reviewed on: 1-21-15

Updates:

Recommendation:

File 18 - Ramirez

		RICARDO RODRIGUEZ is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		VALERIE LEE LERMA , Maternal Aunt, was appointed Guardian on 4-26-11.	Note: Petitioner Ricardo Rodriguez was originally listed as the father of this minor; however, pursuant to Minute Order 3-1-11, Mr. Ricardo is <u>not</u> the father. A consent filed on 4-4-11 indicates that Carlos Higuera is the father.
		See file for details.	
	Aff.Sub.Wit.		<p>If this petition goes forward, the following issues exist:</p> <ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the guardian and all other relatives pursuant to Probate Code §1460(b)(5): <ul style="list-style-type: none"> - Valerie Lee Lerma (Guardian) - Brenda Lerma (Mother) - Carlos Higuera (Father) - Paternal Grandfather - Paternal Grandmother - Maternal Grandmother Odelia Lerma
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	Notice of Hrg	x	
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			Reviewed by: skc
			Reviewed on: 1-21-15
			Updates:
			Recommendation:
			File 19 - Rodriguez

**25A Nicholai Trinidad, Trinity Trinidad,
Alyson Fernandez, Genaro Fernandez, and Athena Fernandez**

Case No. 14CEPR01141

Atty Trinidad, Teodomigia (Pro Per – Paternal Grandmother – Petitioner)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

			GENERAL HEARING 2-23-15	NEEDS/PROBLEMS/COMMENTS:
			See petition for details.	<p><u>Note: This petition is for guardianship of Nicholai and Trinity only.</u></p> <p><u>Note: Page B of this calendar is a petition for guardianship of Alyson, Genaro, and Athena by their paternal grandmother, Lupita Molinar Chavez.</u></p> <p>1. The Proof of Service filed 1-7-15 regarding service to Federico Trinidad (father) at the Fresno County Jail indicates service of the general petition and related documents, but does not appear to include Notice of Hearing for this temporary hearing date or a copy of the temporary petition. The Court may require further service.</p>
Cont from 010615				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
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✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: skc</p> <p>Reviewed on: 1-21-15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 25 - Fernandez & Trinidad</p>	

25A

25B **Nicholai Trinidad, Trinity Trinidad,**
Alyson Fernandez, Genaro Fernandez, and Athena Fernandez

Case No. 14CEPR01141

Atty Chavez, Lupita Molinar (Pro Per – Paternal Grandmother – Petitioner)

Petition for Appointment of Temporary Guardianship of the Person (Prob. C. 2250)

			GENERAL HEARING 3-9-15	NEEDS/PROBLEMS/COMMENTS:
			See petition for details.	<p><u>Note: This petition is for guardianship of Alyson, Genaro, and Athena only.</u></p> <p>1. Need Notice of Hearing.</p> <p>2. Need proof of personal service of Notice of Hearing with a copy of the temp petition at least five court days prior to the hearing pursuant to Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on:</p> <p>- Genaro Molinar Fernandez (Father)</p>
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 1-21-15	
			Updates:	
			Recommendation:	
			File 25 - Fernandez & Trinidad	

25B